

Response Under 37 C.F.R. §1.116
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REMARKS

Applicant responds hereby to the outstanding final Office Action mailed March 14, 2008, in the above-identified application. Each of claims 1-15 remain pending hereinafter, where claims 1, 10, 11, 12 and 15 are the independent claims.

Response To Rejections Under 35 USC §103(a)

Claims 1-4, 10 and 11 were rejected under 35 U.S.C. §102(a) as obvious over US Patent No. 5,949,880 to Curry, et al. (Curry) in view of US Patent No. 6,615,193 to Kingdon, et al. (Kingdon).

Claim 1

With respect to claim 1, the Examiner asserts that Curry teaches an electronic purse data carrier for performing monetary transactions, comprising:

a storage means [portable module 102] for storing one or more payment units each having a respective monetary value (Fig. 2, Fig. 5, step Y12, col. 3, lines 56-65), and
each of said payment units [portable module 102] comprising:
an age information for delimiting use of the payment unit (Fig. 2, col. 3, lines 66-7, col. 4, lines 1-4).

The Examiner acknowledges the differences between Curry and the claimed invention when the Examiner acknowledges that Curry does not teach that each said payment units [portable modules 102] have unique respective payment unit ID. The Examiner then asserts that Kingdon discloses an electronic purse carrier that accords unique payment unit IDs to each payment unit (Kingdon's Figs. 3-5, col. 5, lines 25-67), and that under the law of Section 103(a),

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the proposed combination would have been obvious. The Examiner then asserts the skilled artisan would know to make the combination because Kingdon teaches that requiring each said payment units to have unique respective payment unit ID numbers can be used to access fraud (col. 3, lines 2-7).

Applicant respectfully disagrees at least because Kingdon does not disclose payment units having unique respective payment unit ID numbers, at col. 3, lines 2-7, and the following reasons. Applicant's independent claim 1 sets forth an electronic purse data carrier for performing monetary transactions, comprising

a storage means for storing one or more payment units each having a respective monetary value,

each of said payment units comprising

an age information evaluable for delimiting the use of the payment unit, and each of said payment units having a respective unique payment unit-ID.

As distinguished, Curry discloses a system 100 (and method) for transferring valuable information to and from a portable module (102), which may be used as a cash equivalent when buying products and services in the marketplace. The Curry portable module communicates via a microprocessor based device (104). Curry includes means for communicating (106) between the portable module (102) and the microprocessor based device (104). Curry at col. 2, line 59-col. 3, line 9, describes that the microprocessor based device (104) is connected to secure device (108), as well as a variety of other devices, such as cash acceptor (110). In response to a communication from the microprocessor based device (104), the cash acceptor provides a metered amount of cash to a person.

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Nowhere in the cited text is Curry found to include storing means for storing one or more payment units, where each of the payment units has a respective value.

Curry at col. 3, line 57-col. 4, line 6, states that Curry's portable module 102 comprises a nonvolatile memory 202 for storing and retrieving vital information pertaining to the system to which the module 102 may become attached. Memory 202 may contain a scratchpad memory that acts as a buffer when writing into memory. Curry' module 102 includes a counter 206 for keeping track of the number of transactions the module has performed. Fig. 2 shows the counter.

While the Examiner asserts that Curry's portable module (102), and its memory control (204) includes a counter (206) and time (208) comprising age information for delimiting use of the payment unit, applicant disagrees. Applicant is not claiming a counter that tracks a number of transactions used by a module such as Curry's module (102). Applicant claims storage means for storing payment units, the payment units comprising

age information for delimiting the use of payment units.

Curry's module (102) does not teach the use of age information for delimiting the use of their module (102). Curry' module (102), therefore, is not equivalent to applicant's claimed data carrier. And while the Examiner asserts that Curry does not teach that each of said payment units has a **respective unique payment unit-ID**, but that Kingdon does at (**Figs. 3-5, col. 5, lines 26-57**), applicant again respectfully disagrees.

Kingdon at col. 5, lines 26-57, teaches the flow of value through a population of users to detect fraud, comprising blocks of electronic value released from a source into the population of users. The blocks of value each have a predetermined identity tag, which tags are divisible during use to sub blocks with the same identify tag, such that the eventual return of th electronic value to the source can be monitored by the identity tags. The tags are used to audit small changes in value,

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are used with a tag map, a tag register and can include date and time information. Kingdon at col. 2, describe their Fig. 1 invention as a tag map comprising a number of tag registers, the tag map comprising two parts, tag identify (10) and tag count (12). For each electronic value store (16), on an EPD, Kingdon associates a tag map (14), in the Fig. 2 tagged electronic value representation.

While Kingdon tags do include date and time information, they are not equivalent to applicant's claimed electronic purse carrier with storage means for storing one or more payment units each having a respective monetary value, each of said payment units comprising an age information evaluable for delimiting the use of the payment unit, and each of said payment units having a respective unique payment unit-ID. Kingdon's value store (16) with tag map (14) is not equivalent to applicant's payment units because nowhere does Kingdon suggest that individual values (i.e., payment units) include respective unique payment IDs.

Kingdon's Fig. 2 payment store appears to have one value (16) associated with one map (14). Kingdon does not mention payment units, still less payment units with unique associated ID, as claimed, and nowhere does it disclose, teach or suggest delimiting the use of a payment unit by use of age information. For that matter, Kingdon cannot be combined to operate with Curry without modifying Curry to become capable of parsing Kingdon's Fig. 2 payment store. Curry does not include means for parsing Kingdon's tag map (14). Modifying Kingdon to operate as Curry was intended would significantly change the principles of Kingdon's operation. In re Ratti, 123 USPQ 349 (CCPA 1959). Curry's structure and intended operation would need to be modified to utilize Kingdon's map (14).

Hence, such a combination would not be obvious to the skilled artisan because they would need have to "know" to modify Curry before Curry could be combined with Kingdon. And the

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skilled artisan cannot just combine Kingdon with Curry without first "knowing" to modify Kingdon.

Even *assuming arguendo*, however, that the skilled artisan would know to modify Curry's portable module to operate with Kingdon's Fig. 2 portable module, and know to modify Kingdon's Fig. 2 portable module to operate with Curry's portable module, combining Kingdon with Curry as modified to interoperate would still not realize an electronic purse data carrier for performing monetary transactions as set forth in claim 1, for at least the reasons set forth distinguishing applicant's electronic data purse carrier from Curry separately.

Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection of claim 1 under Section 103(a) by Curry in view of Kingdon. Because claims 2-4 depend from claim 1, they are patentable for at least the same reasons asserted herein for the patentability of claim 1, and applicant respectfully requests withdrawal of the rejection of claims 2-4 under Section 103(a) in view of Curry and Kingdon.

Claim 10

With respect to claim 10, the Examiner asserts that Curry teaches a banking terminal device for accessing purse data stored in the storage means of an electronic purse data carrier for performing monetary transactions, the storage means storing one or more payment units each having a respective monetary value (Fig. 1; col. 7, lines 28-39),

characterized by each of said payment units comprising an age information evaluable for delimiting the use of the payment unit ID (Fig. 2, col. 3, line 6-col. 4, line 6), and each of said payment units having a respective unique payment unit-ID, the banking terminal device comprising

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implemented program means for verifying said age information (**Fig. 1, step X6; col. 7, lines 55-60**), and

implemented program means for resetting said age information after successful verification of said payment unit (**Fig. 1 and 4; step X12**).

The Examiner repeats the arguments asserted against independent claim 1, acknowledging that Curry does not teach that each payment unit has a unique respective payment unit ID, asserts that Kingdon discloses that each said electronic payment units have unique respective payment unit IDs (**Figs. 3-5, col. 5, lines 25-67**), and that the proposed combination would have been obvious.

Applicant respectfully disagrees for at least the reasons set forth above in response to the claim 1 rejection. With respect to the implemented program means for verifying, Curry's col. 7, lines 55-60, discloses that Curry's portable module (102) may include a time stamp to indicate that that any data therein is still valid. While the Examiner asserts Curry discloses implemented program means for verifying said age information (**Fig. 1, step X6; col. 7, lines 55-60**), this cannot be correct because counting transactions, or verifying that a purse carrier (module (102)) is still valid, is not equivalent to implemented program means for verifying said age information stored in storage means of an electronic purse data carrier for performing monetary transactions, where the storage means store one or more payment units, each payment unit having a respective unique payment unit ID.

While the Examiner further asserts that Curry at Figs. 1 and 4, step X12, discloses implemented program means for resetting said age information after successful verification of said payment unit, applicants again respectfully disagrees. Curry's step X12 increments its transaction count indicating that another transaction has occurred. Clicking a counter is a step, and the step is

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not equivalent to: implemented program means for resetting said age information after successful verification of said payment unit.

While the Examiner further asserts that Kingdon at col. 5, lines 26-57, discloses a respective unique payment unit-ID, as claimed, applicants disagree. As stated above in response to the rejection of claim 1 in view of Curry combined with Kingdon, Kingdon at col. 5, lines 25-57 teaches the flow of value through a population of users to detect fraud, comprising blocks of electronic value released from a source into the population of users, not a respective unique payment unit ID. The blocks of value each have a predetermined identity tag that are divisible during use to sub blocks with the same identify tag. Kingdon states that the eventual return of the electronic value to the source is monitored by the identity tags. The tags are used to audit small changes in value, are used with a tag map with tag register and can include a date and time information to allow systems to relate them easily to a period of manufacture and release, and the tag map may comprise any number of tag registers consisting of an identity tags and value count. Identity tags and value counts are separate tag registers, which are part of the tag map.

Nothing within Kingdon's cited text and figures teaches or suggests that Kingdon's tags are equivalent to the claimed storage means of an electronic purse carrier for performing monetary transactions, which storage means for storing one or more payment units having a respective monetary value, characterized by each said payment units comprising an age information evaluable for delimiting the use of the payment unit, and each of said payment units having a respective unique payment unit-ID. Applicants' claimed payment units include a unique payment ID, but are not unique payment IDs, or tags. Hence, combining Curry with Kingdon as proposed by the Examiner will not realize applicant's invention as set forth in independent claim 10.

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Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection of claim 10 under Section 103(a) by Curry in view of Kingdon.

Claim 11

With respect to claim 11, the Examiner asserts that Curry teaches a trading transaction device, (Curry's microprocessor based device (104)), comprising

means for entering a trading price; an input interface for a first mobile electronic purse data carrier for performing monetary transactions (Fig. 1, col. 2, lines 38-45, col. 7, lines 40-44), the carrier comprising

a storage means for storing one or more payment units each having a respective monetary value, characterized by each said payment units comprising an age information evaluable for delimiting the use of the payment unit (Fig. 6, col. 5, lines 63-67; col. 6, lines 4-22, 25-30),

a connective interface to a second such carrier (Fig. 1; col. 2, lines 45-68, col. 8, lines 26-29) and

means for updating the storage means of both cameras according to the transaction to be traded (Fig. 6, col. 9, lines 10-16) [where the Examiner adds that Curry's microprocessor based device 104 updates monetary values and transaction counts as described in steps Y7 to Y13 in Fig. 5; col. 9, lines 10-16].

The Examiner acknowledges that Curry does not teach that each said payment units have unique respective payment unit ID, but asserts that Kingdon discloses that each said payment units have unique respective payment unit ID (Kingdon's Figs. 3-5, col. 5, lines 25-67), and that under the law of Section 103(a), the proposed combination would have been obvious because Kingdon

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teaches that by requiring each said payment units to have unique respective payment unit ID numbers can be used to access fraud (col. 3, lines 2-7).

Applicant respectfully disagrees for at least the reasons set forth above in response to the rejection of claims 1 and 10.

Applicant's independent claim 11 sets forth a trading transaction device comprising means for entering a trading price, an input interface for a first mobile electronic purse data carrier for performing monetary transactions, the carrier comprising a storage means for storing one or more payment units each having a respective monetary value, characterized by each of said payment units comprising an age information evaluable for delimiting the use of the payment unit, and each of said payment units having a respective unique payment unit-ID,

a connective interface to a second such carrier, and means for updating the storage means of both carriers according to the transaction to be traded.

While the Examiner asserts that Curry at col. 2, lines 38-45, and col. 7, lines 40-44, teaches a trading transaction device that includes means for entering a trading price, an input interface for a first mobile electronic purse data carrier for performing monetary transactions, applicant respectfully disagrees. The text at col. 2 refers to Laundromats, toll booths, cash machines, etc., but not trading prices for operation as a trading transaction device. The text at col. 7 refers to a portable token, which can be debited at the subway station. Again, and with all due respect, not means for entering a trading price within a trading transaction device as claimed.

While the Examiner asserts that Curry discloses a connective interface to a second such electronic purse carrier at Fig. 1; col. 2, lines 45-68, col. 8, lines 26-29, applicant again respectfully disagrees. Curry's portable module (102) is shown in Fig. 1 and described in the text

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at col. 2 as any communication means for bidirectional communication. The cited text at col. 8, lines 26-29, states that while portable module (102) is shown connected to secure module (secure microprocessor based device; 108), that the purse carrier, or portable module (102) can be replaced by another secure module (108). The cited text essentially says that Curry can operate without module (102) at all. This is not equivalent to applicant's trading transaction device, and first electronic mobile purse and input interface including a connective interface to a second such carrier (purse). Again, the cited text states that Curry can interface two secure modules, not two mobile carriers, correlated to applicant's language as claimed.

While the Examiner asserts that Curry at Fig. 4, and col. 7, lines 59-67, and col. 8, lines 1-2, and 14-25, discloses means for updating the storage means of both carriers according to the transaction to be traded, applicant respectfully disagrees. Curry's text at col. 7 refers not to Curry's portable module (102), but to Curry's secure module (secure microprocessor based device; 108), while the microprocessor processes value such as train fare to the portable module. Fig. 6 shows the detail of Curry's secured microprocessor-based device 108. The text at col. 9, lines 10-16, merely states that portable module advances a transaction counter. Nowhere does Curry disclose means for updating the storage means of both carriers according to the transaction to be traded.

And while the Examiner asserts that Curry does not teach that each of said payment units having a respective unique payment unit-ID, but that Kingdon does at Figs. 3-5, col. 5, lines 26-57, applicants disagree for at least the reasons set forth above in response to the rejections of independent claims 1 and 10. Again, Kingdon at col. 5, lines 26-57, teaches the flow of value through a population of users to detect fraud, comprising blocks of electronic value released from a source into the population of users. The blocks of value each have a predetermined identity tag

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that are divisible during use to sub blocks with the same identify tag, such that the eventual return of th electronic value to the source can be monitored by the identity tags. The tags are used to audit small changes in value, are used with a tag map with tag register and can include a date and time information. While Kingdon tags do include date and time information, there is nothing found in the cited text and figures to teach or suggest that the Kingdon tags are equivalent to the claimed payment units that comprise an age information evaluable for delimiting the use of the payment unit, and each of said payment units having a respective unique payment unit-ID. Applicants' claimed payment units include a unique payment ID, but the claimed payment units are not the unique payment IDs, or tags.

Hence, combining Curry with Kingdon as proposed by the Examiner will not realize applicant's invention as set forth in independent claim 11. Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection of claim 11 under Section 103(a) by Curry in view of Kingdon.

Claims 5-9

Claims 5-9 were rejected under 35 USC §103(a) over Curry in view of Kingdon and still further in view of US Patent No. 6,076,075 to Teicher. In response, applicant respectfully asserts that claims 5-9 depend from claim 1, and that claim 1 is non-obvious under section 103(a) in view of Curry combined with Kingdon for at least the reasons set forth above. Hence, dependent claims 5-9 are non-obvious under Section 103(a) in view of Curry, Kingdon and Teicher for at least the reasons stated above distinguishing claim 1 from Curry and Kingdon under Section 103(a).

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Claims 12 and 15

Claims 12-15 were rejected under 35 USC § 102(a) as obvious over US Patent No. 5,949,880 to Curry, et al. (Curry) in view of US Patent No. 5,988,497 to Wallace.

With respect to independent claims 12 and 15, the Examiner asserts that Curry teaches a method for managing electronic payments with an electronic purse data carrier including steps of checking for each transaction if the age information of a payment unit being part of the transaction has matching transaction count, and restricting the use of a payment unit with not match transaction count (Figs. 1 and Fig. 4, step X6; col. 7, lines 50-54).

The Examiner acknowledges that differences between Curry and claims 12 and 15 by stating that Curry does not teach checking for each transaction if age information of a payment unit exceeds a predetermined transaction age threshold level, and restricting the use of a payment unit with an exceeded transaction age threshold level but that Wallace discloses the feature (Fig. 1, steps 110; 118, col. 2, lines 4-29, col. 5, lines 23-34), and that under the law of Section 103(a), the proposed combination would have been obvious because Wallace's identified features can be used to assess fraud (col. 27-33).

Applicant respectfully disagrees for at least the reasons set forth above in response to the rejection of claims 1, 10 and 11.

Applicant's independent claims 12 and 15 set forth methods for managing electronic payments with an electronic purse data carrier. The methods include checking for each transaction if the age information of a payment unit being part of the transaction has exceeded a predetermined transaction age threshold level, and restricting the use of a payment unit with an exceeded transaction age threshold level. Curry's cited figures and text refer to comparing serial numbers received in a first data with a decrypted serial number (X5), and if there is a match, then

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the secure microprocessor-based device 108 compares the transaction count received with a decrypted transaction count (X6). Applicant respectfully asserts, therefore, that Curry does not include the steps of checking as claimed.

While the Examiner states that Wallace teaches checking for each transaction if age information of a payment unit exceeds a predetermined transaction age threshold level, and restricting the use of a payment with an exceeded transaction age threshold level at Fig. 1, steps 110 and 118, col. 2, lines 4-29, and col. 5, lines 23-34, applicant respectfully disagrees.

Wallace discloses a variable personal identification number for use in combating fraud. The variable personal identification numbers are generated by a user-held device that changes displayed numbers periodically, sort of like a Secure ID by RSA, Inc. Wallace at Fig. 1, col. 2, lines 4-29 and col. 5, lines 23-34, discloses a second tier of valuations that are prompted or triggered by threshold criteria like transaction amount, credit limit, frequency of use, change of shipping address, or boolean combinations of two or more thresholds and conditions. If a threshold is exceeded, the second tier valuation is invoked, where the user is again prompted for the PIN. The second tier valuation could be invoked on the fifth transaction.

Nowhere does Wallace indicate or disclose checking for each transaction if age information of a payment unit exceeds a predetermined transaction age threshold level, and restricting the use of a payment in an electronic purse carrier with an exceeded transaction age threshold level, as claimed.

Applicant respectfully asserts, therefore, that independent claims 12 and 15 are not obvious under Section 103(a) by Curry in view of Wallace. Because, claims 13 and 14 depend from independent claim 12, claims 13 and 14 are patentable for at least the reasons set forth for the

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patentability of claim 12. Applicant, therefore, requests withdrawal of the rejection of claims 12-15 under Section 103(a) over Curry in view of Wallace.

Conclusion

It follows that each of pending claims 1-15 are patentably distinct from Curry combined with Kingdon, Curry and Kingdon combined with Teicher, and Curry combined with Wallace under Section 103(a). Applicant therefore urges the Examiner to reconsider and withdraw the rejection of claims 1-15, to allow the claims and pass the application to issue.

If the Examiner believes that a telephone conference with applicant's attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

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